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ABSTRACT

This manual provides school personnel with guidelines for developing school policies on drug-related problems and the prevention of future problems. Although the guide is designed for specific use in Oklahoma schools, it can serve as a model for other secondary schools. The need for a school policy is discussed and the role of the principal, counselors, and teachers in dealing with drug abusers is examined. Laws relating to drug possession are described, including the justification for drug searches in school. Guidelines are presented for school and law enforcement relationships, suspension and expulsion, due process, handicapped students, confidentiality of communications, student records, and the use of community resources. Several hypothetical situations involving students and drugs are posited, and possible responses are included. The appendix provides definitions, offenses, and penalities as described by law. (KMF)

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What if...?

Suggested Guidelines For School Policy Concerning Drug-Related Problems

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Foreword

The abuse of alcohol, tobacco and other dangerous drugs is a growing problem across the nation. The reasons for this are complex and there are no easy solutions. Nevertheless, educators must attempt to assist students and communities in dealing with the drug issue. The schools must be aware continuously of the interrelationship between students' drug use and other social problems such as student alienation, depersonalization, and sense of helplessness derived from students' perceived inability to affect the course of events around them.

Law enforcement alone will not solve the problem of drug abuse. Youthful abusers should not be ostracized unnecessarily from school or society, and every effort must be made to assist and direct them to the individual attentions needed.

HB 1283 provides procedures for schools to follow in dealing with students under the influence of alcohol or drugs and requires a written policy be available for classroom teachers on dealing with suspected substance abusers. This publication is meant to provide school personnel with guidelines in developing school policies on drug related problems and prevention of future problems.

Leslie Fisher
State Superintendent of Public Instruction

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What if...?

1. John has rapport with you, although you are not his teacher. He confides in you that he has become an habitual user of drugs and wants to break the habit. His problem is not known to his parents. John has subjected school officials to a few unpleasant moments in the past. What do you do?

2. Tim has been caught possessing drugs. You think his parents should know. He begs you not to confront them with the incident. What do you do?

3. You believe Tracy comes to your classroom under the influence of drugs. Her conduct is disruptive and frightening. What do you do?

4. Janet, an "average" student, passes out in your class. Several students in the class say she has been using "reds". What do you do?

5. You see a student in possession of an unknown assortment of pills. You are not sure what they are or how he will dispose of them. What do you do?

6. Anthony, a student, reports to you that he witnessed an exchange of drugs between two other students on school premises. What do you do?

7. A student tells you that his friend is taking drugs. He asks you what he should do. What do you say?

8. Mrs. Jones is a housewife active in community affairs. She tells school officials she has heard that Rodney, a neighbor, is using drugs and she demands his immediate expulsion in order to protect her two children who are enrolled in the school and all other innocent nonabusers. What do you do?

9. Marjorie, a student who has been a "loner" most of her life, has very few friends. She has serious family problems and in an effort to solve them has called the Crisis Center on two occasions, which has relieved her anxieties to some extent. Would you encourage students to turn to helping services and bypass school authorities?

10. Bill is known to associate with a group of older persons who have recently been arrested for possession and sale of hallucinogens. He is becoming aloof and disinterested and is seen less and less with former friends. A fellow teacher and friend of Bill's mother indicates that his parents are concerned over Bill's interest in new friends and "secret" activities. What do you do?

POSSIBLE RESPONSES TO THESE PROBLEMS ARE DISCUSSED BEGINNING ON PAGE 16

The Need For Policy

The suggested guidelines on the following pages are intended to be of help in establishing or in revising policy concerning drug-related problems. Carefully considered policy should increase the schools' ability to respond realistically and with consistency to drug-related behavior occuring in the school setting.

The establishment of written policy regarding the use and abuse of drugs should have several benefits for the school and the community:

- Policy is better planned in a calm, rational atmosphere than when decision makers are confronted with actual cases of the use and abuse of drugs. There is less tendency to take overly punitive action or to make an example of a student when a policy is clearly stated in advance.
- A policy that is worked out in advance is more likely to be respected as fair by students, especially if the students have helped to develop it.
- Requesting assistance from community leaders and organizations in formulating policy will help define the issue of drugs as a community concern rather than a problem only for the schools.

THE ROLE OF THE PRINCIPAL

The principal or delegated staff member coordinates the professional resources available to him and the staff to the best possible advantage in implementing the policy adopted by the board of education. Teachers, counselors, custodians, cafeteria workers, parents, and students need to understand both the letter and the spirit of the school's policy.

The principal or delegated staff member should provide the staff with appropriate information relating to trends in the use and the abuse of drugs in the school and community. This information should also include what referral agencies are available and how these agencies attempt to help students.

The principal or delegated staff member may wish to consider the formation of a discussion group consisting of selected teachers, counselors, and students, whose responsibility would be to make appropriate recommendations to the principal regarding drug-related problems in the school.

THE ROLE OF COUNSELORS AND TEACHERS

Counselors must have the cooperation and assistance of teachers, if they are to help students effectively with drug-related problems. Teachers should understand their "front line" role in being sensitive to problems of students which may involve drugs. Well-thought-out, written school policy may help them see that role more clearly. Both counselors and teachers should have the cooperation and assistance of community agencies, so that a student who asks for help can be assisted without the referral being viewed as a disciplinary action.

Any action taken on drug or drug-related problems must stem from an honest desire to protect not only the student's best interest, but the best interests of fellow students. School personnel have a responsibility to each student with whom they come in contact, to be sincerely interested and honest in working with the student to solve problems. The school employee or community resource person who inspires the most trust and who seems to be most sensitive to the student's problems is the person in whom the student will confide.

The confidant should assume the role of listener or counselor when contacted by students with drug-related problems. Too often, the first reaction of a school staff member has been to report information given in confidence to the person in charge of school discipline. The stifling effect of such actions on communication and understanding between students and school personnel is understandable.

In many cases, the student desires most of all to have someone listen and care. The need is great for all staff members in the school to counsel, within the limits of their competence and time. Staff members need to know to whom to refer students when a higher level of skill is needed in a counseling situation.

THE LAW, DRUGS, AND THE SCHOOLS

Oklahoma law is systematically concerned with the manufacture, dispensing, distribution, or possession of drugs. The Oklahoma Uniform Controlled Dangerous Substance Act encompasses drug offenses, enforcement, and regulation of narcotics, barbiturates, amphetamines, hallucinogens and inhalants.

The Oklahoma Uniform Controlled Dangerous Substance Act regulates the sale, possession, and use of narcotics, which include, coca leaves, opium, and opiates included in the Federal Drug Abuse Law. The Act states that no person shall cultivate, grow, produce, or manufacture any narcotic drug or cannabis except as authorized by the act.

Also prohibited by the law are the following:

- Illegal possession of a controlled dangerous substance.
- Obtaining a controlled dangerous substance illegally.
- Stealing a controlled dangerous substance.

Possession of a controlled dangerous substance, except as provided in the statute is presumptive evidence of intent to violate the law. (Definitions of the various drugs of abuse and penalties for violations of the laws regulating their use may be found in the Appendix.) Violations of these provisions are considered crimes under Oklahoma law. As such, they affect society beyond the confines of the school and come under court, as well as school, jurisdiction.

Proponents of a "hands off" policy will take the position that education will not thrive in an atmosphere of suspicion and distrust. However, education cannot survive in an atmosphere of confusion and disorganization. Strong educational interests do justify reasonable administrative searches and other active control measures.

SEARCHES

Since it is a duty of school administrators and teachers to protect pupils from foreseeable injury, the doctrine of *in loco parentis,* which equates school personnel with "other parents," justifies the conducting of necessary searches for the protection of all students. Since parents delegate to the school certain parental rights over the child while he is in school, school personnel who search in good faith, basing the search on probable cause, do so on the basis of implied parental consent. The lower the age level of the student, the broader the dimension of search authority. Conversely, as a student advances toward the age of culpability, more rights are acquired in the eyes of the court. When students reach the age of criminal responsibility, specific constitutional protections are acquired. A prevalent theory is that a student must have clearly violated a school regulation in order to support a search and custody for purposes of suspension or punishment.

One key question is whether or not a search by an educational administrator is of a different nature from a police search. The Fourth Amendment to the U.S. Constitution established the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures. It further states that no warrents will be issued unless probable cause is asserted and supported by oath or affirmation. A specific description of the place to be searched and the items to be seized is also required.

The Fourth Amendment applies to the federal government, and through the Fourteenth Amendment, to the state government. It does not apply to private citizens who conduct searches, and the U.S. Supreme Court has not determined it to apply to school

personnel. The Fourth Amendment, as applied to "state action," has been extended to include any public official acting on behalf of the state or any of its agencies or subdivisions. To date, a school principal, assistant principal, counselor, or teacher has not been determined to be a public official.

A warrantless search by police personnel is justified only when the passage of time would permit the destruction of evidence, when persons are endangered, or when the search is incidental to arrest. However, the school does not possess a quasi-judicial atmosphere. Administrators and teachers cannot function as law enforcement agents. While conscientiously safeguarding students' rights, they must perform mandated duties, in good faith, without constant fear of legal reprisal. If and when administrators search a student or his locker or his effects, probable cause should be a prerequisite. Since the school is bound to protect all children within its control, a reasonable search would be one to obtain possession of weapons, dangerous objects, or drugs. See Section 382: School Laws of Oklahoma, 1980.

Some Guidelines

SCHOOL, LAW ENFORCEMENT RELATIONSHIPS

Several situations require cooperation and understanding between law enforcement agencies and the schools:

- Law enforcement personnel may become involved with students' drug violations in situations totally outside the school.
- School officials may become aware of students' drug involvement associated with school activities.
- Law enforcement personnel or school officials may become suspicious of a possible general drug problem and wish to discover the facts of the situation.

Executive communications needs to be developed and maintained between agencies with responsibilities.

Procedures should be developed for permitting law enforcement agencies to interrogate students at school. Care must be taken that school personnel do not act in a disciplinary fashion when only suspicion of involvement is present.

In case of a suspected violation of law or of school regulations which may lead to exclusion of the student, the following steps are suggested:

- Notification of parents or legal guardian.
- Notice of allegations.
- Opportunity to make statements in self defense or mitigation.

School policy regarding inspection, search, and seizure should be clearly stated in a student handbook approved by the board of education. Foremost in the thinking of school officials must be the protection and safety of the entire student body.

SUSPENSION AND EXPULSION

Some school personnel feel that students who become involved with drugs are potential contaminants and should be removed from the school. Others point out that a fairly high percentage of students may experiment with drugs on a casual basis sometime during their school career; and that the school's major responsibility in such cases is to assist the student with his problems as much as possible. The basic policy decision remains with the school district board of education, whether students involved with drugs should be retained in school or excluded.

Suspension of students from school without proper controls would seem to have little therapeutic value. Placing students out of the supervision of the school may even increase their antisocial activities.

Suspension or exclusion should occur only after due process supported by hard evidence and not simply as a result of hearsay or supposition. Such evidence should reflect repeated efforts of school authorities to help the students, prior to recommendation of suspension or exclusion. Detailed data should be presented stating what has been attempted and where failure has resulted.

Students suspended from school for drug-related problems have the right to be readmitted. Since the rehabilitation of a drug user is an involved process, the school staff should work closely with medical, psychiatric, probation, and other community resources available. The opportunity to return to the regular school environment may be a key aspect of the rehabilitation. The student should be readmitted when the evidence indicates that his return would not adversely effect other students and would be of positive benefit to the suspended student.

In fairness to the returning student, care should be exercised to prevent segregating the student or making him the focus of unusual attention. The returning student should clearly understand the conditions of re-entrance.

Some schools are finding "in-school" suspension to be a desirable alternative. Several types may be appropriate:

- Infraction oriented - The work assigned is intended to assist in eliminating further infractions.
- Curriculum oriented - The goal is to allow the student to keep up with regular class work.
- Rehabilitation and innovation oriented - The emphasis is on assisting the student to find better ways of dealing with his difficulties.

DUE PROCESS

The *In re Gault* case (378 U.S. 1; 1967) established basic rights for juveniles in juvenile court procedures. In juvenile court, the minor has the rights to representation by an attorney, to be confronted by witnesses, and to cross examine witnesses.

The *Goss v. Lopez* case (43 LW 4179; 1975) established mandatory guidelines for minimal due process in school suspension incidents:

- Immediate removal of a student would be permitted if the student's presence disrupts the teaching atmosphere, endangers other persons, or damages property.
- Within 24 hours, notice of suspension proceedings are to be sent to the (minor) student's parents.
- Within 72 hours of the student's removal, a hearing should be provided.

- Suspended students may make statements in their defense, but they need not be permitted to have counsel present at the hearing.
- The state's provision of free education to persons between the ages of six and 21 is a property interest protected by the Fourteenth Amendment.
- Concerning a suspension from one to 10 days, due process demands that a student be given oral *or* written notice of the charges against him.
- Upon denial of the charges by a suspended student, the school administration shall present its evidence and give the student an opportunity to present his version.
- Notice of hearing generally precede student's removal, but if urgency necessitates, such notice may follow as soon as practicable.
- The Due Process Clause will not shield a student from suspensions which are properly imposed. Suspension is considered to be a necessary tool to maintain order, as well as a valuable educational device.
- The Court further explained that there need to be no delay between the time when notice is given and the time of the hearing. The hearing may occur almost immediately following the misconduct.
- The Court directed its decision solely to the short-term suspension (one to ten days) and stated that expulsions may require more formal procedures.

HANDICAPPED STUDENTS

It must be remembered that additional procedures must be followed if the student involved is an identified handicapped or suspected to be a handicapped child.

The courts have ruled as has the United States Office of Education, the Bureau for the Education of the Handicapped and the Office of Civil Rights, that suspension constitutes a change of placement for a handicapped student. Since it is a change of placement, all the procedural safeguards including due process must be followed. The courts have also concluded that while suspension may be justified, the handicapped student is still entitled to a free appropriate public education, which could take the form of home teaching or residential placement, whichever is considered appropriate by a team of qualified knowledgeable individuals. The right to a due process hearing before an independent hearing officer must be available. A hearing before the local board of education is not sufficient under laws and regulation for the handicapped.

Complete procedures can be found in the Oklahoma State Department of Education's "Policies and Procedures Manual for Special Education in Oklahoma".

CONFIDENTIALITY OF COMMUNICATIONS

School personnel have an ethical commitment and an obligation to students, community, and profession. They must be concerned with the mental, physical, and emotional development of each student. In view of this concern and accompanying duties, educators must balance the rights of the individual student against those of the society in which that student lives. This is no easy task. The challenges are numerous and continuous. In meeting the problems of the socio-educational scene today, educators must remain sensitive to society's needs, appraise and reappraise their own value systems, yet protect their wards from the social aberrations of the time. The drug issue in schools is a crucial one which will not disappear if ignored. It must be faced by competent educators who provide the advice and guidance essential to our youth to become productive citizens.

The question of confidentiality appears to be the central issue in making and implementing school drug policy. School employees may feel it is essential for the protection of a student and his family to keep information obtained by or about the student in confidence. In other situations, it may be necessary for the protection of the school and staff to disclose information with care, discretion, and tact.

If balanced with the greater needs of school and community, confidentiality becomes a tool whereby the school may better fulfill its basic educational function. Breaking the trust of a student who reveals confidential information will most likely shut off further communication at the precise crisis point when such communication is most needed. As far as possible, the school should encourage such trust in its students and teachers, not destroy it.

As school personnel attempt, as a part of their day's endeavor, to understand and relate positively to members of their classes, they automatically become confidants and are thereby counselors. The teacher's relationship to the student is one of the most potent instruments to effect attitudinal and behavioral change. However, the teacher needs to feel secure in relating to the drug-involved student and needs to have a degree of confidence regarding his own role.

Many teachers are reluctant to establish a positive relationship with drug-involved students, possibly due to insecurity about their own roles in relation to school positions and federal, state, and local laws on confidentiality. Some teachers have tended to avoid the drug question with students due to a lack of clearly stated guidelines on the handling of confidential information. In far too many schools, the teacher faces the delimma of wanting to assist the student by establishing open communication and trust while fearing the possibility of breaking the law. In order to protect themselves, teachers often feel obligated to report confidential drug information to some authority. It is precisely at this point that a valid mechanism is needed for disposition of confidential information.

When a student confides to a teacher that he is using drugs, the teacher should be honest and forthright with the student, should try to help the student understand the full ramifications of drug involvement, and then should motivate the student toward making a decision for positive action. The teacher can encourage the student to talk to his parents or seek outside assistance. In many cases, teachers weighing disclosure against confidentiality may turn to outside resources that will help the student develop therapeutic skills while not requiring the teacher to break confidentiality.

A significant factor to consider by those establishing school drug policy on confidentiality is this: If the confidence is made by the student, the teacher should be given the opportunity to determine the position and action to be taken regarding the information given.

Administrative rules and regulations carefully constructed within the framework of adopted board policy, and known and understood by students, teachers, other school personnel and the community, can remove many doubts and serve to strengthen the school's role of educating all students.

STUDENT RECORDS

Questions arise as to how much information and what type of information should be kept in a student's personnal permanent record. A distinction should be made between items appearing in the permanent record, and personal notes which staff members may make and keep in their files for their own professional use, later to be destroyed when the professional relationship is terminated.

Behavior records kept by school authorities and counselors are in constant need of careful reappraisal. Consideration should be given to which reports are to be retained in the permanent file of the student. Records of any conferences about pupils with parents, teachers or other concerned individuals should also be reappraised. Persons writing notes in student records should be made aware that the records may be publicly reviewed by students, parents and courts, as well as other school personnel.

A student's record becomes a diary of his past and forms an introduction of the student to others. Often opinions are formed, based on past records, before students have an opportunity to communicate who they are. Past records may not accurately reflect recent changes pupils may have made. Student records also become the basis for written recommendations which cannot accurately be recalled even though they may have ceased to be relevant. Student records may be used by persons who never knew the individual nor the circumstances of the events noted; the record becomes irrelevant in the absence of necessary background data.

Regulations and procedures governing school records should be reviewed periodically to keep them and record gathering techniques in harmony with the best current educational, psychological, and legal practices.

The following summary of the Family Education Rights and Privacy Act of 1974 may help to clarify the student records and privacy issue for policy-writing bodies:

The recently effective sections of Public Law 93-380, also called Privacy Act, demand compliance by state and local education agencies, institutions of higher education, community colleges, private school programs, and all other educational institutions not specifically cited in the law. This federal legislation requires all educational agencies and institutions to provide parents of minor students an opportunity to review their child's permanent school records within 45 days of their request. Adult students shall be afforded the same opportunity. Failure to comply with the law may result in loss of federal funds. Department of Agriculture School Lunch Funds are not involved.

The protected data includes, but is not limited to, aptitude, interest inventory and psychological test results, IQ scores, identifying data and family background, health reports, teacher or counselor ratings and behavior reports.

A signed release from parents or guardian of a minor student or from the adult student is essential unless the records are sent to one of the following designated "exceptions":

- Other school officials or teachers within the school district.
- Other officials or schools where the student intends to enroll. If a student transfers to a school outside the school district (i.e., elementary or secondary school of another district, post-secondary school, or propietary school), the parents or adult student shall be notified of the transfer of the records and be given a copy of the records if they so request.
- Specified representatives of the U.S. Government and educational agencies.
- Agencies processing the student's application for financial aid.

All persons and agencies desiring access to student records shall sign a written affidavit which states that the third party will not transmit the information in the record to any party without a signed release from the parent or adult student. This affidavit shall remain permanently in the student's file.

Court orders or subpoenas for student records shall be honored by the school, but notification of such orders shall be sent to the parents or adult students.

The Privacy Act requires the Department of Education to establish a review board to investigate alleged violations. Procedures shall include adequate due process protection. A local or state agency will have an opportunity to comply voluntarily before discontinuance of Department of Education funding.

USE OF COMMUNITY RESOURCES

Community resources are a necessary and helpful adjunct to the educational process. A number of professionals and paraprofessionals in public, private and voluntary agencies have the knowledge, skill and desire to help students work out mental and physical problems, including drug-related problems.

A perusal of the yellow pages of any phone book under the heading "Social Services" will reveal some agencies that can help. United Funds, United Appeals, or United Community Councils usually have information on agencies, services offered, and contact persons.

A local drug council, drug hotline, or crisis center may also share a list of agencies, comment on the quality of services, and give directions to resources which are most helpful.

The type of help available varies greatly with communities. Some areas to explore are these:

- For crisis help–
  - Hospital emergency clinics
  - Crisis centers
  - Mental health centers
  - College health centers
  - Local health departments
  - Hotlines
- For counseling–
  - Family service agencies
  - YMCA-YWCA
  - Crisis centers
  - Mental health centers
  - Private psychiatrists
  - Private psychologists
  - Hotlines
  - Child guidance centers
  - Churches and church councils
  - Physicians
  - Juvenile courts

Developing a list of potentially helpful agencies is only a beginning. School personnel should identify those agencies which actually will benefit students. Such a list needs to be reviewed and updated continually, and should include only those agencies which deal realistically with drug-related problems.

It will be helpful to contact agencies on the list to discuss services, perferably with the person who will actually be in contact with students. How referrals will be accepted when they arrive is also very important. If agency personnel *know* the school contacts, cooperation and quality of help are often improved. If it is not practical to meet with agency personnel individually, they may be invited to a group meeting to discuss needs and the nature of the help they can offer.

Suggested questions to ask about an agency being considered for referral are these:

- What are the costs involved?
- What resources are available?
- What are the age limits?
- What are the criteria for help?
- Must the parents be notified?
- What is the attitude of those people who will be working with students toward other human beings in need, especially nonconformists?
- What is the agency's experience with drug-related problems?
- How is the staff trained?
- Does the agency handle long-term or short-term counseling?
- How quickly can the agency respond to an emergency referral?
- What are the philosophy, policy, and procedure of the agency?

When referrals to community services are necessary, follow-up by schools should be guaranteed. Regular contact after referral helps assure that when a student is ready, he will be promptly and effectively re-integrated into the educational process.

Problem Responses

POSSIBLE RESPONSES TO PROBLEM 1:

WHAT IF . . . a student confides that he is using drugs?

A. Be sympathetic and understanding. But explain to the student that only partial confidentiality is permitted by law. Confidence can be maintained unless the student runs afoul of the law or requires police action and the case comes to court; then the school official would be required to testify. Records, if any, could be subpoenaed.
B. Inform your principal of the case, without revealing the name of the student or detailed information.
C. Counsel with the student. Refer him to another school or community counseling service for supportive assistance if needed.
D. Indicate the need for parental involvement as soon as possible. If in a reasonable length of time the student has not stopped participating in drug traffic and use, inform him that parents should be notified in order that treatment can be obtained and the rehabilitation process can be initiated.

POSSIBLE RESPONSES TO PROBLEM 2:

WHAT IF . . . a student is caught with a drug on school premises?

A. Attempt to secure the drug immediately, if reasonably possible, and inform the principal. Follow school policy regarding suspension or expulsion, should the student refuse to supply the drug.
B. Counsel the student or send for another in-school counselor, social worker or psychologist.
C. Send a nurse or other professional school employee with drugs to be analyzed.
D. Notify parents immediately if drug is unauthorized by a physician or is illegal.
E. Exercise caution and discretion so as to minimize school disruption if police intervention is required.

POSSIBLE RESPONSES TO PROBLEM 3:

WHAT IF . . . a student disrupts the classroom?

A. Talk with her quietly. Try to determine the cause of the disruptive behavior.
B. Deal with the situation tactfully to minimize possible danger and further disruption.
C. Seek assistance if necessary. (Send a messenger to the office.)
D. Alert the principal to the situation. Be accurate and precise in describing the student's behavior and appearance.
E. Call the school nurse to determine if medical care is required.
F. Notify parents.
G. Enforce school drug policy if follow-up reveals an unauthorized or illegal use of drugs.

POSSIBLE RESPONSES TO PROBLEM 4:

WHAT IF . . . a student appears to be ill and other students indicate that misuse or abuse of drugs may be involved?

A. Notify the principal or designated administrative representative immediately.
B. Notify parents in the case of a minor. (This should be done by the principal or designated representative.) Do not make statements at that time implying drug abuse. Relate only what has been observed, reported by a reliable source, or stated by the student herself.
C. In the event that parents cannot be reached, proceed directly to have the student transported to the nearest hospital by an emergency vehicle, accompanied, if possible, by a school representative who is prepared to offer any pertinent information.
D. It is not the responsibility of the school to notify a law enforcement agency. Such reporting shall be carried out through existing channels between area hospitals and law enforcement agencies.
E. Arrange a conference with the student and her parents or legal guardian as soon as the student is able to attend. (This should be done by the principal or designated administrative representative.) Based upon information gathered in this conference, and in any additional conferences agreed to by those involved, the principal, working with pupil personnel and the building counselor, will recommend rehabilitative or counseling services.

F. Reinstate the student immediately, if she desires, to regular class attendance, unless she has been hospitalized, confined to an institution, or assigned full time to an approved drug rehabilitation center.
G. Submit all information related to the incident to a law enforcement agency upon request.

POSSIBLE RESPONSES TO PROBLEM 5:

WHAT IF . . . a student has an unknown assortment of pills?

A. Discretely question the student, secure the drug for analysis, if possible, and quietly accompany the student to the office.
B. Report your observations to the principal accurately and precisely.
C. Investigate further to determine whether there is sufficient evidence of illegal possession of drugs to inform the parents, the superintendent, or the police. (This should be done by the principal.)

POSSIBLE RESPONSES TO PROBLEM 6:

WHAT IF . . . a student reports he witnessed an exchange of drugs in school?

A. Determine if the report is valid.
B. Encourage the student to report what he witnessed to the principal.
C. If the student declines to report directly, report what has been heard and seen to the principal. Names, times, places and other facts should be delineated.
D. Encourage students to report any and all illegal activities to teachers, counselors, social worker, psychologist or any other authority. Withholding information or ignoring incidents when they occur fosters and protects drug pushing on school premises. Protect those who come forward with information.
E. Always maintain *due process.*

POSSIBLE RESPONSES TO PROBLEM 7:

WHAT IF . . . a student confides drug use by a friend?

A. Suggest that the student counsel his friend, expressing his feelings of care and concern. Caution him, however, that his friend may continue to use drugs.
B. Suggest that he attempt to refer his friend to a helping source. Suggest some sources.
C. Indicate that as a teacher you have a legal obligation to report to authorities any *concrete evidence* of observed illegal activity in school. Explain to the student that a student's word that he uses drugs is not *concrete evidence* and, therefore, you will not have to betray the student's confidence by reporting to the authorities.
D. Remind the student that his decision whether or not to report his friend to the police is a purely personal one and is not bound by any legal obligation.

POSSIBLE RESPONSES TO PROBLEM 8:

WHAT IF . . . an adult neighbor reports a rumor involving a student who uses drugs?

A. Thank the neighbor for being concerned and making the information available.
B. Indicate that you can take no action against activities conducted off school premises, nor can you act on rumors.
C. Suggest that the neighbor may wish to discuss the matter with the police.
D. Share information gleaned from neighbor's call with the school counselor.

POSSIBLE RESPONSES TO PROBLEM 9:

WHAT IF . . . a student relieves anxieties regarding personal problems by calling the Crisis Center?

A. Indicate your readiness to help sympathetically with the student's problems.
B. Encourage self-referral to any helping agency.
C. Become familiar with community resources and use this knowledge in helping students.

POSSIBLE RESPONSES TO PROBLEM 10:

WHAT IF . . . a student is aloof, disinterested in school, and associated with known drug users? Parents are concerned as well as teachers.

A. Ask an adult with whom the student has rapport to inform him of suspicions, pointing out possible dangers and referring him to resources for help.
B. Inform the teacher and parents that counseling has been initiated and referral made.
C. Conduct consultations. Encourage teamwork of those who should be concerned with the welfare of the student.

Appendix: Definitions, Offenses And Penalties

DEFINITIONS

Pursuant to the Oklahoma Uniform Controlled Dangerous Substances Act, 1971, *narcotic drug* means:

Any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

a. Opium, coca leaves and opiates;
b. A compound, manufacture, salt derivative or preparation of opium, coca leaves or opiates
c. A substance (and any compound, manufacture, salt, derivative or preparation thereof) which is chemically identical with any of the substances referred to in clauses a and b, except that the words *narcotic drug* as used in the act shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

Opiate: Any substance having an addition-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction sustaining liability.

Coca leaves: Includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine

Controlled dangerous substance: A drug, substance of immediate precursor in Schedules I through V of the act.

Schedule I includes substances with the following characteristics:

1. High potential for abuse;
2. No accepted medical use in the United States or lacks accepted safety for use in treatment under medical supervision.

These substances are opiates, opiate-like substances, and hallucinogens which have a potential for abuse associated with a stimulant or depressant effect on the central nervous system.

Schedule II includes substances with the following characteristics:

1. High potential for abuse;
2. Currently accepted medical use in the United States or currently accepted medical use with severe restrictions;
3. The abuse of the substance may lead to severe psychic or physical dependence.

These substances are narcotics, opiates, amphetamines, and barbiturates which have a potential for abuse associated with a stimulant or depressant effect on the central nervous system.

Schedule III includes substances with the following characteristics:

1. A potential for abuse less than the substances listed in Schedules I and II;
2. Currently accepted medical use in treatment in the United States;
3. Abuse may lead to moderate or low physical dependence or high psychological dependence.

These substances are barbiturates, amphetamines, tranquilizers, and narcotic mixtures having a potential for abuse associated with a stimulant or depressant effect on the central nervous system.

Schedule IV includes substances with the following characteristics:

1. Low potential for abuse relative to substances listed in Schedule III;
2. Currently accepted medical use in treatment in the United States;
3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule III.

These substances are opiate-like substances, tranquilizers and barbiturates, which have a potential for abuse associated with a stimulant or depressant effect on the central nervous system.

Schedule V includes substances with the following characteristics:

1. Low potential for abuse relative to the controlled substances listed in Schedule IV;
2. Currently accepted medical use in treatment in the United States;

3. Limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

These are substances that contain limited quantities of narcotic drugs which have a potential for abuse associated with a depressant effect on the central nervous system.

OFFENSES

Manufacture, distribute, dispense, or possess with the intent to manufacture, distribute, or dispense a controlled dangerous substance – Title 63 O.S. 2-401.

A. Except as authorized by the act, it shall be unlawful for any person:
   1. To manufacture, distribute, dispense, or possess with the intent to manufacture, distribute, or dispense, a controlled dangerous substance.
   2. To create, distribute, or possess with the intent to distribute, a counterfeit controlled dangerous substance.

Illegal Possession – Title 63 O.S. 2-402.

A. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by the act.

Obtaining controlled dangerous substances illegally – Title 63 O.S. 2-407.

A. No person shall obtain or attempt to obtain a controlled dangerous substance or procure or attempt to procure the administration of a controlled dangerous substance:
   1. By fraud, deceit, misrepresentation, or subterfuge;
   2. By the forgery or alteration of a prescription or of any written order;
   3. By the concealment of a material fact;
   4. By the use of false name or the giving of a false address.

B. Information communicated to a physician in an effort unlawfully to procure a controlled dangerous substance, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

Stealirg controlled dangerous substances – Title 63 O.S. 2-403.

Any person found guilty of larceny, burglary or theft of controlled dangerous substances is guilty of a felony.

Conspiring to violate the act – Title 63 O.S. 2-408.

Any person who attempts, endeavors, or conspires to commit any offense defined in this act shall be subject to the penalty prescribed for the offense, the commission of which was the object of the endeavor or conspiracy.

Inhalation of substances – Title 63 O.S. 465.20.

Smelling, inhaling, etc., of substances which cause unnatural conditions:

A. It shall be unlawful for any person deliberately to smell, inhale, breathe, drink or otherwise consume any compound liquid, chemical, narcotic, drug or any other substance or chemical containing any ketones, aldehydes, organic acetones, either, chlorinated hydrocarbons, such as gasoline, glue, fingernail polish, adhesive cement, mucilage, dope, or any other substance or combination thereof containing solvents releasing toxic vapors, with the intent to cause conditions of intoxication, inebriation, excitement, elation, stupefaction, paralysis, irrationality, dulling of the brain or nervous system, or any other changing, distorting or disturbing of the brain or nervous system, or any other changing, distorting or disturbing of the eyesight, thinking processes, judgment, balance or coordination of such person.

B. The provisions of this statute shall not pertain to any person who inhales, breathes, drinks or otherwise consumes such material or substance pursuant to the direction or prescription of any licensed doctor, physician, surgeon, dentist or podiatrist; nor to the consumption of intoxicating liquor.

PENALTIES

For listing of penalties see Title 63 O.S. 2-100-600.

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